

AN ORDINANCE      **97806**

**AUTHORIZING 1999 GENERAL OBLIGATION STREET IMPROVEMENT BOND FUNDS IN THE AMOUNT OF \$9,550.00 FOR THE ACQUISITION OF FEE SIMPLE TITLE AND/OR EASEMENT INTEREST TO FIVE (5) PARCELS OF REAL PROPERTY OUT OF N.C.B. 8084, SAN ANTONIO, BEXAR COUNTY, TEXAS, IN CONNECTION WITH THE NORTHINGTON – S.W. 36<sup>TH</sup> TO S.W. 35<sup>TH</sup> PROJECT; ESTABLISHING COMPENSATION FOR THE PROPERTY; APPROPRIATING FUNDS FOR TITLE AND MISCELLANEOUS EXPENSES ASSOCIATED WITH THE PROJECT; AUTHORIZING THE CITY STAFF AND/OR ITS DESIGNATED REPRESENTATIVES TO NEGOTIATE WITH AND TO ACQUIRE THE PROPERTY FROM THE OWNERS ON THE APPROVED TERMS; AND PROVIDING FOR PAYMENT.**

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**WHEREAS**, the City of San Antonio (“City”) desires to reconstruct Northington, from S.W. 36<sup>th</sup> to S.W. 35<sup>th</sup> by providing a typical 30-foot wide, two-lane street section; and

**WHEREAS**, it is necessary to construct a portion of the Project upon property that is privately owned; and

**WHEREAS**, it is necessary to obtain and acquire the fee simple title and/or an easement interest in five parcels of land for use as part of the Project and the property to be acquired is described as follows:

Parcel No.	Legal	NCB
17438	Being 0.0005 acre tract of land out of Lot 6A, NCB 8084, San Antonio, Bexar County, Texas	8084
17439	Being 0.00197 acre tract of land out of Lot 6G, NCB 8084, San Antonio, Bexar County, Texas	8084
17440	Being 0.0005 acre tract of land out of Lot 6H, NCB 8084, San Antonio, Bexar County, Texas	8084
17436	Being 0.00197 acre tract of land out of Lot 6H, NCB 8084, San Antonio, Bexar County, Texas	8084
17437	Being 0.0005 acre tract of land out of Lot 6J, NCB 8084, San Antonio, Bexar County, Texas	8084

**WHEREAS**, in order to proceed with the acquisition of the property, it is also deemed necessary and appropriate to establish just compensation for the Property to be acquired; and

**WHEREAS**, independent appraisals for the Property to be acquired have been completed and reviewed by the City's staff of the Real Estate Section of the Public Works Department and a fair market value determined for the Property; and

**WHEREAS**, title fees, appraisal fees, and miscellaneous expenses to prepare each parcel for use, and lender fees will have to be paid as necessary expenses for the completion of the Project; and

**WHEREAS**, funds are available to acquire the necessary right of way and pay the necessary expenses for this project; **NOW THEREFORE**,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** The Northington: S.W. 36<sup>th</sup> to S.W. 35th Project is hereby declared to be a necessary public project.

**SECTION 2.** City staff is hereby authorized to acquire by negotiation the property more specifically described in the "Metes and Bounds Description" affixed hereto as Attachment I and incorporated herein for all purposes. Collectively, the properties may be referred to as the "Property."

**SECTION 3.** The budget in Fund 45-972095, 1999 Street Improvements, Sold in 2001, shall be revised by reducing Index Code 695577, entitled Unallocated Appropriations: Proceeds, by the amount of \$9,550.00.

**SECTION 4.** The budget in Fund 45-972018, 1999 Street Improvements, Sold in 2001, shall be revised by increasing Index Code 936484, entitled Transfer to 45-979063 Northington-SW 36th, by the amount of \$9,550.00. The amount of \$9,550.00 is authorized to be transferred from Fund 45-972018 to Fund 45-979063.

**SECTION 5.** The budget in Fund 45-979000, 1999 Street Improvements, shall be revised by increasing Index Code 119594, entitled Transfer From 45-972018, (45-979063) Northington-, in the amount of \$9,550.00.

**SECTION 6.** The just compensation (fair market value) for the property in the amount set out has been considered and approved as shown in Attachment II affixed hereto and incorporated herein for all purposes.

**SECTION 7.** The amount of \$250.00 is appropriated in Fund 45-979063, 1999 Street Improvements, in Index Code 772822, entitled Land Acquisition, and is authorized to be encumbered and made payable for miscellaneous land acquisition expenses.

**SECTION 8.** The amount of \$3,000.00 is appropriated in Fund 45-979063, 1999 Street Improvements, in Index Code 772830, entitled Miscellaneous (Awnings, Fences, Etc.), and is authorized to be encumbered and made payable for miscellaneous expenses.

**SECTION 9.** The amount of \$75.00 is appropriated in Fund 45-979063, 1999 Street Improvements, in Index Code 717454, entitled Title Fees, and is authorized to be encumbered and made payable for miscellaneous title fee expenses.

**SECTION 10.** The amount of \$5,400.00 is appropriated in Fund 45-979063, 1999 Street Improvements, in Index Code 772848, entitled Legal Fees, and is authorized to be encumbered and made payable for miscellaneous legal fee expenses.

**SECTION 11.** The amount of \$525.00 is appropriated in Fund 45-979063, 1999 Street Improvements, in Index Code 772855, entitled Lender Fees, and is authorized to be encumbered and made payable for miscellaneous lender fee expenses.


**SECTION 12.** The amount of \$300.00 is appropriated in Fund 45-979063, 1999 Street Improvements in Index Code 772863, entitled Right of Entry Fees, and is authorized to be encumbered and made payable for miscellaneous right of entry fee expenses.

**SECTION 13.** The City staff is hereby directed to negotiate with the owner(s) of the respective parcels for the acquisition of the Property at fair market value as indicated in Section 3, above, to execute sales agreements purchasing the property from the owners as identified by a Commitment for Issuance of Title Insurance issued by a title insurance company authorized to conduct such practice in the State of Texas and in Bexar County or by order of a Court of competent jurisdiction, and to finalize such purchases on behalf of the City of San Antonio. The City Council finds that it is in the best interest to obtain the Property from whomever holds legal and equitable title as identified according to the procedure adopted through this Ordinance and the Director of Finance is directed to disburse funds in accordance herewith.

**SECTION 14.** The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director may, subject to concurrence by the City Manager or the City Manager's designee, correct allocation to specific Index Codes and fund numbers as necessary to carry out the purpose of this Ordinance.

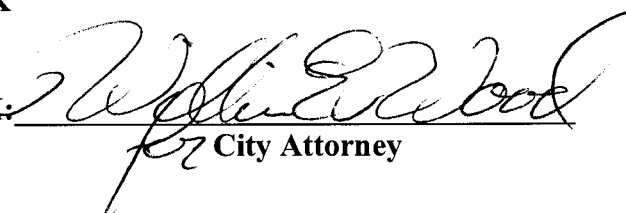
**SECTION 15.** This Ordinance shall be effective on the 29th day of June 2003.

**PASSED AND APPROVED this the 19th day of June 2003.**

ATTEST:   
CITY CLERK

  
M A Y O R

EDWARD D. GARZA

APPROVED AS TO FORM:   
City Attorney